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car repair: promise and performance

* including Ontario's Motor
Vehicle Repair Act



Ontario

Ministry of
Consumer and
Commercial
Relations

If you own a car, you probably know what's needed to keep it running smoothly and for as long as possible —regular maintenance and tending to repairs quickly.

Unfortunately though, many car owners have problems with the garages they use or the repairs they make. In fact, statistics show that car repair is a major area of concern for consumers throughout North America.

Part of the reason is that when it comes to repairs people often don't know what their rights and obligations are. And misunderstandings occur because of that. Also, some car owners are unlucky enough to end up dealing with a dishonest repair shop. Whatever the problem, many consumers don't know how the law can help them.

In Ontario, car owners are well-protected under the **Motor Vehicle Repair Act**. It requires repair shops to offer:

- written estimates on request
- full information about repair rates, and
- warranties on new and reconditioned parts and associated labour.

This booklet deals with:

- the **Motor Vehicle Repair Act**
- repair shops' obligations
- maintenance and rust protection
- transmission problems, and
- consumers' rights and responsibilities.

REPAIRING NEW CARS

Warranties: Warranties are written guarantees that come with new cars—as well as many other products. When manufacturers include a warranty with their product, it makes them responsible for repairing or replacing defective parts for a certain length of time.

Warranties can vary a lot from one company to another. Before buying a car, make sure you understand exactly how your warranty works, what it covers and how long it lasts.

Most new cars are covered by a one-year or 20,000-km manufacturers' warranty and come with a six-year rust-perforation warranty. Some manufacturers have increased the power-train (the major parts that power the vehicle, including the engine, transmission, etc.) warranty to as long as seven years or 115,000 km. As well, most manufacturers and dealers now sell extended warranties for up to five years or 100,000 km.

Whatever the case, be sure to shop around before making any commitment or adding to a warranty. As with any business transaction, read the fine print **before** signing on the dotted line.

But having a warranty doesn't mean you're automatically protected. In return for protection, you have certain obligations to meet. Most important, you must maintain your car to prevent small problems from turning into major ones.

Maintaining your car properly is vital to its performance and life-span. If you don't look after it, the warranty may no longer be valid. By following the suggestions in your owner's manual, you should be able to keep your car in good shape. The manual will tell you, for example, how often to change the oil.

CHOOSE A GOOD REPAIR SHOP

When your car needs work, shop around for estimates. Ask friends whose judgment you trust. Check out the service department of your car dealership, along with your neighborhood garage.

Remember, the lowest estimate may not necessarily give you the best job. Find out exactly what a higher estimate includes.

ESTIMATES

Repair shops must provide a written estimate when asked. It must include:

- name and address of customer and repairer;
- make, model, vehicle identification number (VIN) and licence number of the vehicle;
- description of work or repairs to be done;
- parts to be installed and whether they'll be new, used or reconditioned;
- price of parts to be installed;
- total cost of labour, including number of hours to be billed and hourly rate; and
- date the estimate is given and date after which it no longer applies.

Garages have to tell customers in advance if there's going to be an estimate fee and its cost. If the customer agrees to the repairs, the garage will not charge a fee. However, if the customer doesn't want to go ahead with the repairs, the garage will put the vehicle back together and charge an estimate fee.

This fee includes:

- the cost of examining the car;
- the cost of putting the car back together;
- the cost of any parts that were damaged and had to be replaced when reassembling the car.

If the garage has taken your car apart and has an estimate of the repairs but can't get in touch with you within a reasonable time, it can put your car back together and charge you an estimate fee.

When you authorize the repairer to go ahead with the work, the final bill can't exceed the written estimate by more than 10 per cent, unless you agree to further charges. This agreement can be reached by telephone as long as your name and phone number, and the date and time of the conversation, are recorded.

REPAIR EXPENSES

While people who know little about their car's engine may sometimes feel they've been overcharged, most car mechanics are honest and

very skilled. They want your repeat business—and the only way to get that is to make sure you're satisfied.

Once you've found a good, reliable mechanic, make a point of always going back to him or her. The mechanic will get to know your car and your driving habits, and will be able to find problems quickly if they arise.

THE WORK ORDER

When you sign the work order, you must pay for the cost of work that was noted on it. **The Repair and Storage Liens Act** allows the repair shop to keep your car, and sell it, if you don't pay the bill. But the act allows you to get your car back if you legally challenge the repairer.

The work order is your contract with the garage, and the mechanic is under no obligation to do any more than what is written on it.

If you get a written estimate before the work is done, you'll be able to understand any changes made later, which you may agree to on the phone. But remember, you may be legally liable for verbal agreements made over the phone.

Whatever happens, keep your work orders and repair bills; they are a record of all the work done on your car. This record can help your mechanic find the cause of a problem. And, in a dispute, it is proof of repairs.

THE GUARANTEE

Under the **Motor Vehicle Repair Act**, the repairer must give you a warranty on new or reconditioned parts—and associated labour—for a **minimum** of 90 days or 5,000 km.

For motorcycles and motor-assisted bicycles, the warranty must be for at least 30 days or 1,500 km.

The garage can choose to make these warranties for a longer period. They don't cover fluids, filters, lights, tires, batteries or routine maintenance, such as oil changes or rotating the tires, which aren't considered repairs.

If your vehicle becomes unsafe or unusable within the warranty period, take it back to the original repairer. If that's not possible, have it towed to the nearest garage and you can then

get back repair and reasonable towing costs from the original repairer.

Once you've found a mechanic you're happy with, have the following inspected regularly—at least as often as your manual recommends:

- motor-oil level
- air filter
- power-steering fluid
- windshield-washer fluid
- lights and turn signals
- coolant level in radiator (only when engine is cold)
- transmission fluid
- brake and battery fluids
- battery cables, wiper blades, drive belt and hoses
- tire pressure (note: a tire-pressure gauge is inexpensive and is probably the best investment you can make to extend tire life; tires with poor pressure can decrease gas mileage. Pressure readings are more accurate when the tires are checked cold.)

At least once a year, have your car completely serviced. This should include:

- engine tune-up
- tire rotation
- checking the suspension
- checking the brakes
- checking the cooling system.

Keeping your car regularly tuned will help save on gas mileage and engine wear.

Your oil and filter should be changed regularly, and lubrication should usually be done at the same time.

SEASONAL TUNE-UPS

Before the thermometer drops below freezing, get your car ready for the cold months ahead. And spring is the time to prepare your car for hot-weather driving.

Follow your manual's recommendations for maintenance in each season.

Run your car at different speeds (within the speed limit, of course) to check for possible problems with the steering, shock absorbers, brakes and front-end alignment. Watch for new vibrations or unusual engine noises.

If your car is giving off too much exhaust smoke, it could mean:

- if it's blue, your car is burning too much oil due to worn engine parts;
- if it's black, too rich a mixture of fuel, a clogged air filter, or a badly adjusted automatic choke; or
- if it's white, cooling fluid leaking into the internal engine parts.

FACE THE ENEMIES: SALT AND RUST

Rust is still a problem for many Ontario car owners, even though most manufacturers have now improved rust protection.

One of the major causes of rust is salt. Rust can also eat through any dirty, unprotected metal area of the car.

To prevent rust from ruining your car, wash away built-up salt and dirt regularly during the winter. You can clean underneath the car thoroughly with the high-pressure nozzle of a garden hose. Pay special attention to fender wells, door sills and bottoms of the doors, where rust often starts first.

Make sure under-door drain openings aren't clogged with mud or road tar. If they are, moisture can build up inside the door panels and rust can develop.

Waxing your car will give it a finish that helps protect against rust.

You can get more details on keeping your car as rust-free as possible in the *Federal/Provincial Anti-corrosion Code and Owner's Care Guide for motor vehicles*, available from the Consumer Services Branch, Consumer and Corporate Affairs Canada, Place du Portage, Phase 1, 50 Victoria St., 16th Floor, Hull, Quebec K1A 0C9.

TRANSMISSION REPAIRS: TAKE SPECIAL PRECAUTIONS

Many car owners don't really understand car transmissions. And a few dishonest repairers take advantage of that fact by charging more than they should. So, once again, it's important to be extra careful in choosing the repair shop and in making sure the work is properly done.

TRANSMISSION TERMS

Soft parts—Most transmission problems are caused by soft-part breakdown. These are parts that wear over time during the normal operation of the car. They include:

- seals
- gaskets
- clutch plates
- bands
- thrust washers

Hard parts—the components that don't wear and are seldom a problem during the normal use of the car. Should there be a problem though, hard parts can usually be taken out of other used transmissions or re-machined by a qualified technician. These parts include:

- case
- gears
- shafts
- pump
- major steel components

Torque converter—a part of the transmission that uses fluid pressure to connect the engine and the transmission to the driving wheels at a variable rate and is necessary to the operation of the transmission. It can be rebuilt, and exchange units are available.

Rebuilt transmission—a used transmission rebuilt to working condition with replaced parts—usually the soft parts and torque converter.

If you suspect you have a transmission problem and your car is still under warranty, call the dealer. By taking your car to a different transmission shop, you risk losing the warranty.

Next, check the transmission dipstick—if the fluid level seems low, don't drive the car without adding more fluid. If you don't, you could cause further damage.

Finally, if you think something is wrong with the transmission, get a competent mechanic to check it—it could be an engine-related problem instead. A good mechanic can find and solve problems, such as fluid leaks and poor gearshift linkage.

After you've described the problem, go on a test drive with the mechanic. This, as well as checking internal fluid-pressure, steering-linkage adjustment and removing the pan from the bottom of the transmission, will usually uncover the cause of the problem.

ALL THE OPTIONS

There are three ways to solve a transmission problem:

1. REPAIR. This can range from adjusting steering linkages, tightening bolts on the pan and adding transmission fluid to removing the transmission and taking it apart.

Used parts that still work normally are often fine for repairs, but if they are used the price should be lower. Discuss this with the mechanic.

If the transmission has to be taken apart, much of the cost will be for labour. And if there's damage to the hard parts, expect to pay more. Luckily, there's hard-part damage in less than 10 per cent of transmission problems.

2. REBUILD. Rebuilding a transmission means removing the damaged unit and either installing a rebuilt one, or having yours rebuilt. A unit is rebuilt by replacing a variety of parts and checking others to make sure they're in top condition.

A rebuilt transmission may be preferable to a repaired one in many cases. But you should discuss these options with your mechanic. In either case, used parts can be restored or replaced with other used parts. And certain new parts may be needed. But it shouldn't be necessary to replace all the parts.

3. REUSE. As a last choice, it's sometimes possible to get a used transmission from a wrecker if

you can find someone to install it. This is probably the cheapest way to fix your transmission, but it leaves you with little or no warranty protection. It's not covered under the **Motor Vehicle Repair Act**, and the warranty, if any, is usually only for 30 days. Even if something goes wrong within that period, you have to remove the transmission and return it in exchange for another one. Your own transmission, although unusable as is, might be worth something as a trade-in if there's no hard-part damage.

THE QUOTATION

Transmission troubles don't always mean the unit has to be removed. But if it must be, make sure the estimated price includes taking it out and putting it back in.

If you decide on a rebuilt transmission, make sure the final invoice includes the serial number of both the transmission that was removed and the one that was installed. This ensures:

- that you actually get a rebuilt transmission, and
- that the model you get is the correct one for your type of car.

(Note: Before 1978, transmissions on North American cars didn't bear serial numbers.)

HELP! I'VE GOT A PROBLEM

Ontario's **Motor Vehicle Repair Act** makes consumers' dealings with repair shops less risky by requiring that:

- a written estimate be provided on request;
- no estimate fee be charged without first telling the customer;
- when repairs are authorized within a reasonable amount of time, there be no charge for the estimate;
- final invoices fully describe repairs, itemize all parts—new, used or reconditioned, and shop supplies charged to a customer; state labour costs and rates and outline warranty terms; and
- establish reasonable warranty standards.

If you've taken good care of your car, given it regular checkups, winterized it properly, followed the owner's manual faithfully, chosen your repair

shop carefully, paid good money for repairs and still have a problem, what can you do? Call the nearest office of the Ministry of Consumer and Commercial Relations' Consumer Services Bureau.

The **Motor Vehicle Repair Act** requires repair shops to list the nearest Consumer Services Bureau's phone number on the rate sign in the shop or on the invoice. Those numbers are also listed at the end of this booklet.

Consumers who feel they've been misled or deceived can also seek help through the ministry's **Business Practices Act**.

The **Business Practices Act** outlines different types of statements that are considered false, misleading or deceptive. For example, it forbids a business to tell you that a service, part, replacement or repair is needed if it isn't. It also forbids a business to tell you that goods are new or unused when they aren't.

Complaints about car safety should be sent to the Road Safety and Motor Vehicle Regulation Branch, Transport Canada, 344 Slater St., Ottawa, Ontario K1A 0N5.

Remember, if there is a dispute over a repair, both you and the repairer have rights under the **Repair and Storage Liens Act**. For example:

- the repairer can seize your vehicle and sell it to pay for the repairs, after giving you proper notification;
- you can get your car back if you pay the full amount claimed by the repairer into the court.

It's often simpler to pay small repair bills in order to get your car back and, only then, take further action if necessary to get your money back.

But where larger amounts are involved, it's sometimes better to go to court with your complaints and pay the repair bill into court until the matter is settled. In such cases, consult your lawyer or your local Small Claims Court Office.

For further information on car repair problems, please write to:

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